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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,750	08/16/2005	Jean-Michel Damasse	Q85323	9249
23373	7590	10/06/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LIN, ING HOUR	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,750	<b>Applicant(s)</b> DAMASSE ET AL.	
	<b>Examiner</b> Ing-Hour Lin	<b>Art Unit</b> 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2005 and 08 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because there is a lack of section headings: Cross References to Related Applications; See 37 CFR 1.78 and MPEP § 201.11; Background of the Invention; Brief Summary of the Invention; Brief Description of the Several Views of the Drawing(s); and Detailed Description of the Invention

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Birat et al or Tonelli et al in view of JP 60221155.

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Either Birat et al (col. 3, lines 23+) or Tonelli et al (col. 3, lines 3+) substantially teach the claimed side wall of a plate for the continuous casting of metal strip between two counter-rotating rolls, comprising a support plate, an insert and a lining.

Either Birat et al or Tonelli et al fail to teach the use of set back or recess from the front face of the insert.

However, JP '155 (see abstract and Figs 3-5) teaches the use of set back or recess 6 from the front face of the side wall (V-shaped side seal 3) in the continuous casting device for the purpose of forming a molten metal pool 5 and casting molten metal and preventing solidified matter from intruding into and sticking to the side wall (V-shaped side seal 3) near the casting rolls during casting. It would have been obvious to one having ordinary skill in the art to provide either Birat et al or Tonelli et al the use of set back or recess from the front face of the insert as taught by <sup>JP '155</sup> ~~Carrier et al~~ in order to effectively reduce the wear attack of solidified matter near the casting rolls during casting.

Regarding claims 6-7, either Birat et al or Tonelli et al in view of JP '155 fails to teach a particular distance for the depth of the set back or recess from the front face of the insert.

However, the use of a particular distance between 10-150mm would have been obvious to one having ordinary skill in the art in order to effectively form an appropriate size of molten metal pool 5 and cast molten metal and prevent solidified matter from intruding into and sticking to the side wall (V-shaped side seal 3) near the casting rolls during casting and the distance should be greater than the maximum permitted value of the wear of the lining.

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5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Birat et al or Tonelli et al in view of JP 60221155 and further in view of Damasse et al (US Patent 6,082,437).

Either Birat et al or Tonelli et al in view of JP '155 fails to teach a particular configuration for the lining at the lower edge of the recess. However, Damasse et al (US Patent 6,082,437) (col. 3, lines 21+) teach the use of configuration recess for the lining at the lower edge of the recess for the purpose of preventing cracking in the side wall. It would have been obvious to one having ordinary skill in the art to provide either Birat et al or Tonelli et al in view of JP '155 the use of a particular configuration for the lining at the lower edge of the recess as taught by Damasse et al (US Patent 6,082,437) in order to effectively prevent cracking in the side wall.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Birat et al or Tonelli et al in view of JP 60221155 and further in view of Damasse et al (US Patent 6,148,901).

Either Birat et al or Tonelli et al in view of JP '446 fails to teach the use of an appendage. However, Damasse et al (US Patent 6,148,901) (col. 4, lines 36+) teach the use of an appendage 17 for the purpose of reducing heat loss and preventing early solidification of molten metal in the casting pool. It would have been obvious to one having ordinary skill in the art to provide either Birat et al or Tonelli et al in view of JP '155 the use of an appendage as taught by Damasse et al (US Patent 6,148,901) in order to reduce heat loss and preventing early solidification of molten metal in the casting pool.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ing-Hour Lin whose telephone number is (571) 272-1180. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*IHL*

I.-H. Lin

9-30-06

KEVIN KERNS *Kevin Kerns* 10/1/06  
PRIMARY EXAMINER